

**TITLE 11**

**MUNICIPAL OFFENSES<sup>1</sup>**

**CHAPTER**

1. ALCOHOL.
2. OFFENSES AGAINST THE PERSON.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.
8. NOISE CONTROL REGULATIONS.

**CHAPTER 1**

**ALCOHOL<sup>2</sup>**

**SECTION**

11-101. Drinking beer, etc., on streets, etc.

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place, except the consumption of beer lawfully sold and served in a restaurant/eating place or special event location holding a lawful beer sales permit as provided by the Pigeon Forge Municipal Code shall not be deemed a violation hereof. (1979 Code, § 10-229, as amended by Ord. #708, Aug. 2003)

**CHAPTER 2**

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-201. Assault and battery.

**11-201. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon any person. (1979 Code, § 10-201)

**CHAPTER 3****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-301. Disturbing the peace.

**11-301. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1979 Code, § 10-202)

## CHAPTER 4

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-401. Escape from custody or confinement.

11-402. Impersonating a government officer or employee.

11-403. False emergency alarms.

11-404. Resisting or interfering with an officer.

11-405. Coercing people not to work.

**11-401. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1979 Code, § 10-209)

**11-402. Impersonating a government officer or employee.** No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1979 Code, § 10-211)

**11-403. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1979 Code, § 10-217)

**11-404. Resisting or interfering with an officer.** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1979 Code, § 10-210)

**11-405. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1979 Code, § 10-230)

## CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

## SECTION

- 11-501. Air rifles, etc.  
11-502. Throwing missiles.  
11-503. Discharge of firearms.

**11-501. Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1979 Code, § 10-213)

**11-502. Throwing missiles.** It shall be unlawful for any person to throw maliciously any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1979 Code, § 10-214)

**11-503. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1979 Code, § 10-212, modified)

**CHAPTER 6****TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE  
WITH TRAFFIC****SECTION**

- 11-601. Trespassing.
- 11-602. Trespassing on trains.
- 11-603. Malicious mischief.
- 11-604. Interference with traffic.

**11-601. Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1979 Code, § 10-226)

**11-602. Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1979 Code, § 10-221)

**11-603. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1979 Code, § 10-225)

**11-604. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1979 Code, § 10-232)

## CHAPTER 7

### MISCELLANEOUS

#### SECTION

- 11-701. Abandoned refrigerators, etc.
- 11-702. Caves, wells, cisterns, etc.
- 11-703. Posting notices, etc., on utility poles.
- 11-704. Curfew for minors.
- 11-705. Wearing masks.
- 11-706. Landing airplanes, helicopters, etc.
- 11-707. Heliport prohibited within corporate limits.
- 11-708. Soliciting rides on the streets.
- 11-709. Use of hand held laser lights.

**11-701. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. (1979 Code, § 10-223)

**11-702. Caves, wells, cisterns, etc.** It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1979 Code, § 10-231)

**11-703. Posting notices, etc., on utility poles.** It shall be unlawful for any person, firm, or corporation to, in any manner, attach signs, handbills, posters, notices, either by use of tacks, staples, paste, cords, or otherwise, to utility poles within the City of Pigeon Forge.

It is declared that the placing of signs on said poles is a hazard to the safety of employees required to climb said utility poles. (1979 Code, § 10-227)

**11-704. Curfew for minors.** It shall be unlawful for any person under the age of eighteen (18) years to be abroad at night between 11:00 P.M. and 5:00 A.M. unless going directly to or from a lawful activity or upon a legitimate errand for, or accompanied by, a parent, guardian, or other adult person having lawful custody of such minor.

Any activity conducted at the Pigeon Forge Community Center which is sponsored by the city or supervised by city personnel shall be deemed a lawful activity by minors as herein contemplated and no attendance by a minor at such activity which may extend beyond 11 P.M. shall be deemed a violation of curfew. (1979 Code, § 10-224, as amended by Ord. #640, Oct. 2000)

**11-705. Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1979 Code, § 10-234)

**11-706. Landing airplanes, helicopters, etc.**<sup>1</sup> It shall be unlawful for any person, firm, partnership, or corporation to land any airplane, helicopter, or flying machine within the boundaries of the city limits of Pigeon Forge, Tennessee, except as hereinafter provided. Landings and takeoffs of flying machines on an emergency basis. Further, the landing and taking off of a helicopter shall be deemed allowable when such landing and taking off is done within the context of an aerial performance or show, with paid customer attendance. This allowance shall not be construed in any way to mean that the

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<sup>1</sup>Subsequent to the enactment of the provisions in this section the city annexed an area which included premises where helicopters were operating. The helicopter operations in the annexed area were allowed to continue notwithstanding the provisions in this section. However, on May 14, 1990, the city adopted Ord. #411, of record in the recorder's office, which provides as follows:

- (1) That two years from the date of final passage of this ordinance, it shall be unlawful for any existing helicopter operation to land upon or takeoff from land within the corporate limits of the City of Pigeon Forge for purposes of carrying passengers upon sightseeing tours, excursions, trips, etc.
- (2) That this ordinance shall apply only to helicopter operations that were in existence prior to annexation within the corporate limits of the City of Pigeon Forge and which have been operating as a pre-existing nonconforming use.
- (3) Any person, corporation, partnership, or other entity violating the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine of \$50 and all court costs.
- (4) In addition to any other remedies, the City of Pigeon Forge may seek injunctive relief as allowed by law to effectuate the provisions of this ordinance.
- (5) This ordinance shall take effect 15 days after its final passage, the public welfare requiring it."



transport of paid or unpaid passengers on a helicopter or other flying machine is an acceptable allowance. The first paragraph set out above shall rule in respect to passenger carrying sightseeing tours, excursions, trips, etc. (1979 Code, § 10-235)

**11-707. Heliports prohibited within corporate limits.** It is hereby unlawful to operate a heliport as defined under state law within the corporate limits of the City of Pigeon Forge unless the same is at a health care institution as defined under state law or when a helicopter makes a landing required by an emergency. (as added by Ord. #805, July 2006)

**11-708. Soliciting rides on the streets.** It shall be unlawful for any person to stand upon any street or roadway in the city, including any sidewalk, shoulder, parkway or median strip therein, for the purpose of soliciting a ride from the occupant of any vehicle. The provisions of this section shall not apply to any person soliciting transportation in cases of an actual bona fide emergency. (1979 Code, § 10-236; as renumbered by Ord. #805, July 2006)

**11-709. Use of hand held laser lights.** (1) No person shall use outside the confines of a building any hand held laser light for any purpose within the City of Pigeon Forge, Tennessee.

(2) No person shall use any hand held laser light for any purpose at any sporting event conducted indoors within the City of Pigeon Forge, Tennessee.

(3) Any person found guilty of violating the provisions herein may be fined up to the sum of fifty dollars (\$50.00) for each violation, plus court costs. (As added by Ord. #598, May 1999; as renumbered by Ord. #805, July 2006)

## CHAPTER 8

### NOISE CONTROL REGULATIONS

#### SECTION

- 11-801. Short title.
- 11-802. Declaration of policy.
- 11-803. Definitions.
- 11-804. Noise disturbances prohibited.
- 11-805. Prohibited noise sound level standards.
- 11-806. Amplified sound.
- 11-807. Enforcement.

**11-801. Short title.** This chapter shall be known as the Pigeon Forge Noise Control Ordinance. (1979 Code, § 10-301)

**11-802. Declaration of policy.** It is hereby declared that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of the City of Pigeon Forge, Tennessee. This chapter is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Pigeon Forge through the reduction, prohibition and regulation of noise. It is the intent of this chapter to establish and provide for sound levels that will eliminate unnecessary and excessive noise, reduce traffic and community noise, and establish noise standards and sound levels that will promote a comfortable enjoyment of life, property, and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community. (1979 Code, § 10-302)

**11-803. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "A' weighted sound pressure level" means the sound pressure level as measured with the sound level meter using the "A" weighing network. The standard unit notation is dB(A).

(2) "Commercial purpose" shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

(3) "Commercial district" shall mean the following:

(a) An area where offices, clinics and the facilities needed to serve them are located;

(b) An area with local shopping and service establishment;

(c) A tourist oriented area where hotels, motels, and gasoline stations are located;

(d) A business strip along a main street containing offices, retail businesses, and commercial enterprises.

(4) "Construction activities" shall mean any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

(5) "Continuous noise" shall mean a steady, fluctuating, or impulsive noise which exists, essentially without interruption, for a period of ten (10) minutes or more, with an accumulation of an hour or more over a period of eight hours.

(6) "Device" shall mean any mechanism which is intended to produce or which actually produces sound when operated or handled.

(7) "Decibel" (dB) means a unit for measuring the volume of sound, equal to twenty times the logarithm of the A-weighted sound pressure level.

(8) "Dynamic breaking device" shall mean a device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(9) "Emergency work" is work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger or potential danger.

(10) "Fluctuating noise" shall mean the sound pressure level of a fluctuating noise varies more than 6 dB(A) during the period of observation when measured with the slow meter characteristic of a sound level meter.

(11) "Impulsive noise" shall mean a noise containing excursions usually less than one second and varies more than 20 dB(A) during the period of observation when measured with the fast meter characteristics of a sound level meter.

(12) "Industrial district" shall mean an area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located.

(13) "Motor vehicle" shall mean any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts, and any other vehicle which is self-propelled.

(14) "Muffler" shall mean an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

(15) "Non-commercial purpose" shall mean the use, operation or maintenance of any sound amplifying equipment for other than a commercial purpose. "Non-commercial purpose" shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

(16) "Plainly audible" shall mean that the information content of sound is unambiguously transferred to the auditor, such as, but not limited to, understanding of spoken speech, comprehension of raised or normal voices, or comprehension of musical rhythms.

(17) "Residential district" shall mean an area of single or multiple-family dwellings and shall include areas where multiple unit dwellings, high-rise apartments and high density residential districts are located. "Residential district" shall also include, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

(18) "Sound amplifying equipment" shall mean any machine or device for the amplification of a human voice, music, or other sound, or by which the human voice, music or any other sound is amplified.

(19) "Sound level meter" shall mean an instrument or apparatus including a microphone, an amplifier, an output meter, and weighting networks for the measurement of sound pressure. The output meter reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as specified in the American National Standards Institute Publication S1.4-1971, or successor publications.

(20) "Sound pressure level" shall mean 20 times the logarithm to the base 10 of the ration of the root mean square pressure of a sound to the reference pressure, which is  $20 \times 10^{-6}$  Newtons per meter squared.

(21) "Unnecessary noise" means excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of any person, or causes damage to property or business.

(22) All technical terminology used in this chapter, unless the context otherwise requires, shall be defined in accordance with American National Standards Institute (ANSI) publication S 1.1-1960, revised 1971, or successor publications of ANSI, or its successor bodies. (1979 Code, § 10-303)

**11-804. Noise disturbances prohibited.** (1) No person shall make, continue, or cause to be made or continued any unnecessary noise within the City of Pigeon Forge or as heard and measured in the manner prescribed in § 11-805(1).

(2) The following acts, and the causing thereof, are declared to be in violation of this chapter as unnecessary noises; provided, however, that the following enumeration is not in limitation of subsection (1) above:

(a) Radios, television sets, musical instruments, and similar devices. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound across a real property boundary except between the hours of 9:00 A.M. and 10:00 P.M.

The operation of any such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line, or 25 feet in the case of a vehicle on public rights of way, shall be prima facie evidence of a violation of this section except between the hours of 9:00 A.M. and 10:00 P.M.

(b) Loudspeakers and public address systems. No person shall operate or permit the operation of any loudspeaker, public address system, or similar device, such that the sound therefrom creates or amplifies sound across a real property except between the hours of 9:00 A.M. and 10:00 P.M.

(c) Animals and birds. No person shall own, possess or harbor any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create noise disturbance across a real property boundary.

(d) Exhausts--mufflers. No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motor boat, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.

(e) Defect in vehicle or load. It shall be unlawful for any person to operate, or cause or permit to be operated or used, any automobile, truck, motorcycle or other motor vehicle so out of repair, so loaded or in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement or as heard and measured in the manner prescribed in § 11-805(1).

(f) Quiet zone. The creation of any unnecessary noise is prohibited within the vicinity of any school, institution of learning, church or court while the same are in use or session, which unreasonably interferes with the workings of such institution, or within the vicinity of any hospital, nursing home or home for the aged, or which disturbs or unduly annoys patients in the hospitals or residents in the nursing home or home for the aged, provided conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, nursing home, home for the aged, church or court.

(g) Dynamic braking devices. No person shall operate any motor vehicle with a dynamic braking device engaged which is not properly muffled.

(h) Truckloading. No person shall load any garbage, trash on compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district nor within three hundred feet (300') of any hotel or motel between the hours of 10:00 P.M. and 7:00 A.M.

(i) Bells and chimes. It shall be unlawful for any person to use, operate, cause or permit to be sounded any bell or chime or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock, or school, except between the hours of 7:00 A.M. and 10:00 P.M. (1979 Code, § 10-304)

**11-805. Prohibited noise sound level standards.** Any act in violation of the following subsections is deemed to be in violation of the chapter without in any way limiting the generality of the provisions of § 11-804.

(1) Maximum permissible sound pressure levels. The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating, or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the city, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four (4) feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

TABLE A

<u>District</u>	Sound Pressure Level Limit	
	db(A)	
	Day <u>7 A M - 10 P M</u>	Night <u>10 P M - 7 A M</u>
Residential	55	50
Commercial	65	55
Industrial	80	75

When a noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.

(2) Construction activities. Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of 9:00 P.M. of one day and 6:00 A.M. of the following day.

Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit.

Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

(3) Enclosed places of public entertainment. The operating, or permitting to be operated, of any sound amplifying equipment or other noise source in any enclosed place of public entertainment shall be subject to the following provisions. When individuals are subjected to sound levels and exposure durations exceeding those shown in Table B, when measured on a sound level meter of standard design and operated on the "A" weighting network, feasible administrative or engineering controls shall be utilized to protect against the effects of such noise exposure.

TABLE B

<u>Duration per day, hours</u>	Sound level dBA slow response
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

(4) Vehicle repairs or testing. The repairing, building, rebuilding, or testing of any truck, automobile, motorcycle or other motor vehicle within the city shall be subject to the maximum permissible sound pressure level for the district in which the source is located.

(5) Machinery, equipment, fans and air-conditioners. Operating any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device within the city shall be subject to the maximum permissible sound pressure level for the district in which the source is located.

(6) Domestic power equipment. No person shall operate or permit to be operated on private property or on the public way within any residential or commercial district(s) any power equipment rated five (5) horsepower or less and used for home or building repair or grounds maintenance between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day or operate or permit to be operated between the hours of 7:00 A.M. and 10:00 P.M. any such power equipment which emits a noise sound pressure level in excess of eighty (80) decibels in the "A" weighting network dB(A). Such power equipment shall

include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance. Noise sound pressure levels shall be measured at a distance of twenty-five feet from the noise source.

(7) Commercial power equipment. No person shall operate on any property within a residential or commercial district(s) or on any public way within a residential or commercial district(s), any power equipment rated more than five (5) horsepower, excluding construction equipment used for construction activities, such as but not limited to, chain saws, pavement breakers, log chippers, riding tractors, powered hand tools, between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day or within residential, commercial or industrial noise districts between the hours of 7:00 A.M. and 10:00 P.M. which emits a noise level in excess of eighty-eight (88) decibels, in the "A" weighting network dB(A). Noise sound pressure levels shall be measured at a distance of twenty-five (25) feet from the noise source. (1979 Code, § 10-305)

**11-806. Amplified sound.** (1) Amplified sound. (a) It shall be unlawful for any person to install, use or operate a loudspeaker or sound amplifying equipment in a fixed or moveable position or attached to or mounted upon any motor vehicle, within a residential district of the City of Pigeon Forge, for the purposes of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons.

(b) It shall be unlawful for any person to install, use or operate a loudspeaker or sound amplifying equipment in a fixed or moveable position or attached to or mounted upon any motor vehicle, within a commercial or industrial district of the City of Pigeon Forge, for the purposes of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons without first obtaining a permit from the city as described in subsection (2) below.

(c) The provisions of this section shall not apply to authorized emergency vehicles, when such authorized emergency vehicles are responding to an emergency call or when in pursuit of an actual or a suspected violator of the law, or when responding to but not upon returning from a fire alarm.

(d) The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

(2) Permit information. An applicant seeking a permit for the use of sound amplifying equipment shall provide the following information:

(a) The name, address, and telephone number of both the owner and the user or users of the sound amplifying equipment;



(b) The make, model, and license number of any vehicle used in sound amplification;

(c) The general description of the sound amplification equipment which is to be used;

(d) Whether the sound amplification equipment will be used for commercial or non-commercial purposes;

(e) The dates upon which, the streets over which, the sound amplification equipment is proposed to be operated;

(f) In the event the applicant seeks a permit for the use of sound amplification equipment at a particular location, the applicant shall provide a plat or map of his property, appropriately certified by a registered land surveyor or engineer, indicating no less than 40 marked, on-site parking spaces as defined by Article III, Section 3.090 of the Pigeon Forge Municipal Code, and have, in any instance, at least one space for every four persons in attendance at any event requiring sound amplification equipment. The applicant may include in its determination of the minimum required spaces any adjacent property owned by the State of Tennessee and acquired by leasehold from the City of Pigeon Forge, Tennessee, and any other adjacent property acquired by written lease agreement from third parties;

(g) A copy of any lease agreement included in its determination of on-site parking spaces as required by the preceding paragraph;

(h) A certification that the applicant will be responsible for providing a parking attendant, or the cost thereof in the event of the failure on the part of the applicant to so provide, to direct automobiles to any other public parking area so as to avoid congestion along the state and city rights of way and otherwise prevent unlawful parking on either public or private property.

(3) Permit issuance. Upon compliance with the provisions of subsection (4) below, a permit shall be issued to the owner of the business upon payment by the owner of a fee in the sum of one hundred fifty dollars (\$150) for one (1) day or five hundred dollars (\$500) per season. For the purposes of this section, season is defined as being from July 1 to June 30 of the following year.

(4) Regulation governing sound amplifying equipment. The commercial and non-commercial use of sound amplifying equipment shall be subject to the following regulations:

(a) The sound amplifying equipment shall be operated only between the hours of 9:00 A.M. and 11:00 P.M. of each day.

(b) The maximum sound emanating from sound amplifying equipment shall not exceed the sound pressure levels established in § 11-805(1), as measured at least 25 feet from the noise source.

(c) In any event, the intensity of sound shall be so controlled that it will not be unreasonably loud, raucous, annoying, disturbing or a nuisance to any person or persons.

(d) The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

(5) Revocation. In the event a holder of a permit has two violations issued in any one season between April 1 and November 1 of each year, the permit issued shall be subject to revocation by the City Manager of Pigeon Forge, Tennessee.

In the event the city manager learns of two violations by any permit holder within any one season as defined herein, the revocation procedure shall be as follows:

(a) The city manager shall immediately send by certified mail and regular mail written notice of the issuance of two, separate violations (on different dates) at any one permit site, setting a time and place within the corporate limits of the City of Pigeon Forge for a hearing thereon.

(b) At the time of the hearing, the holder of the permit shall be allowed the opportunity to be heard on any and all issues relating to the violations and to call witnesses to testify, under oath, on his or her behalf.

(c) At the termination of the hearing, the city manager shall make a finding as to whether or not two violations of this chapter have been committed by the holder of the permit. If the city manager finds that there are less than two violations of this chapter, the holder may maintain his or her permit under the terms of this chapter.

If the city manager determines that the holder of the permit has committed two violations of this chapter, the city manager shall revoke the permit until April 1 of the year following the date of the hearing. (1979 Code, § 10-306, as amended by Ord. #528, § 1, Sept. 1996)

**11-807. Enforcement.** (1) Rules and regulations. The city manager is hereby authorized to adopt and promulgate rules and regulations deemed necessary for the proper and effective enforcement of the provisions of this chapter. Such rules and regulations shall be consistent with the provisions of this chapter and the standards established herein.

(2) Emergencies. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this chapter.

(3) Penalty. Any violation of this chapter shall constitute a misdemeanor and the violator shall be subject to a fine in the maximum amount of \$50.00 for each violation. Each day of violation shall constitute a distinct and separate offense and be punishable as such.

(4) Additional remedy-injunction. As an additional remedy, and not in lieu of any other remedy available under the Pigeon Forge Municipal Code of 1972 or otherwise, the operating or maintaining of any noise source in violation of any provision hereof and which causes discomfort or annoyance

to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(5) Enforcement personnel. In addition to the employees and officers regularly required to enforce city ordinances generally, the city manager shall assign duties of enforcement to personnel trained in noise control techniques and procedures and equipped with calibrated sound level meters.

(6) Method of enforcement of the chapter. (a) Violation of this chapter in which the noise source is not self-propelled, or if self-propelled, not customarily used or designed for transportation upon a public right of way, shall be cause for summons and complaint to be issued forthwith; provided, however, that in lieu of summons and complaint, enforcement personnel may issue a 24-hour notice, or other reasonable amount of time not to exceed five days, signed by the city manager or his duly authorized representative, in writing, which may be served personally or by certified mail to the last known address of the person to whom addressed, with return receipt requested, direct to the owner, occupant, person or persons in charge of or in control of the machine, device, building or other premises to abate said violation of this chapter. Failure to comply with the order so issued and served shall constitute a violation of this chapter.

(b) Violation of this chapter in which the noise source is a motor vehicle as defined in this chapter shall be cause for summons and complaint to be issued forthwith. This subparagraph (b) shall not apply to machines or devices not customarily used or designed for transportation.

(7) Prior ordinance. This chapter revises title 10, chapter 2, § 10-233 of the 1979 Code in its entirety and the provisions herein are in substitution in terms of the prior existing ordinance. (1979 Code, § 10-307)